

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**DANIEL B. O'KEEFE and
CELESTE A. FOSTER O'KEEFE,
Individually and d/b/a THE DANCEL GROUP, INC.;
and THE DANCEL GROUP, INC.**

PLAINTIFFS

VS.

Civil Action No. 1:08cv600 HSO-LRA

**STATE FARM FIRE AND CASUALTY
COMPANY; MARSHALL J. ELEUTERIUS;
And John and Jane Doe Defendants A-H**

DEFENDANTS

MOTION TO WITHDRAW [293] MOTION TO WITHDRAW EXPERT WITNESS

COME NOW the Plaintiffs, by and through their counsel of record, and file this their Motion to Withdraw [Docket Entry # 293] Motion to Withdraw Expert Witness. Plaintiffs filed their docket entry Motion to Withdraw on October 21, 2009 at 12:23 p.m. The filing of said motion was a clerical error as Plaintiffs intended to file a "Notice of Withdrawal" rather than a Motion to Withdraw.

Counsel for Plaintiffs recognized the clerical error and Plaintiffs filed the docket entry [294] Notice of Withdraw on October 21, 2009, at 3:12 p.m. Counsel for Plaintiffs' office contacted the Court to inquire of the erroneous docket entry Motion in favor of the intended docket entry Notice, and were advised that Motions, once filed, cannot be withdrawn absent and of record showing of good cause.

Plaintiffs are filing this pleading to demonstrate the requisite good cause to withdraw their docket entry [293] Motion. As stated herein that good cause is a clerical error in which a Notice of Withdrawal was accidentally filed as a Motion to withdrawal.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request the court withdrawal their docket entry [293] Motion to Withdraw in this matter.

Respectfully submitted, this the 21st day of October, 2009.

**DANIEL B. O'KEEFE, CELESTE A. FOSTER
O'KEEFE, AND THE DANCEL GROUP, INC.,
PLAINTIFFS**

By: /s/ Christopher C. Van Cleave
CHRISTOPHER C. VAN CLEAVE (MSB #10796)

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CERTIFICATE OF SERVICE

I, undersigned counsel of record, hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the EFC system which sent notification of such filing to the following:

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**Attorneys for State Farm Fire & Casualty Company
And Marshall J. Eleuterius**

Respectfully submitted, this the 21st day of October, 2009.

DANIEL B. O'KEEFE, CELESTE A. FOSTER
O'KEEFE, AND THE DANCEL GROUP, INC.,
PLAINTIFFS

By: /s/ Christopher C. Van Cleave

CHRISTOPHER C. VAN CLEAVE (MSB #10796)